

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0081

BOA DATE: August 9th, 2021

ADDRESS: 1308 W 9th Half St

COUNCIL DISTRICT: 9

OWNER: Maryelaine Sotos

AGENT: Amanda Swor

ZONING: SF-3-NP (Old West Austin)

LEGAL DESCRIPTION: LOT 4 BLK 2 OLT 4 DIV Z HANCOCK SUBD

VARIANCE REQUEST: increase the F.A.R from .4 to 1.0 (required) to .46 to 1.0

SUMMARY: addition/remodel existing Single-Family home

ISSUES: small house maxed out

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-Family
<i>North</i>	SF-3-NP	Single-Family
<i>South</i>	SF-3-NP	Single-Family
<i>East</i>	SF-3-NP	Single-Family
<i>West</i>	SF-3-NP	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Old West Austin Neighborhood Association
 Old West Austin Neighborhood Plan Contact Team
 Preservation Austin
 SELTexas
 Save Historic Munny District
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group



D-4/2



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2021-0081

LOCATION: 1308 W 9TH 1/2 STREET



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 292'



Board of Adjustment General/Parking Variance Application

DevelopmentATX.com | Phone: 311 (or 512-974-2000 outside Austin)
For submittal and fee information, see austintexas.gov/digitaldevelopment

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____ ROW # _____ Tax # _____

Section 1: Applicant Statement

Street Address: 1308 West 9 1/2 Street

Subdivision Legal Description:

Lot 4, Block 2, Outlot 4, Division Z, Hancock Subdivision, A subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 2, Page 175 of the plat records

Lot(s): 4 Block(s): 2

Outlot: 4 Division: Z

Zoning District: SF-3-NP

I/We Amanda Swor, Drenner Group on behalf of myself/ourselves as authorized agent for Maryelaine Sotos & Bill Schurtz affirm that on Month July, Day 9, Year 2021, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

☐ Erect ☐ Attach ☐ Complete ☒ Remodel ☐ Maintain ☐ Other: _____

Type of Structure: Single-family home

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Chapter 25-2, Subchapter F, Article 2 (§ 2.1. - MAXIMUM DEVELOPMENT PERMITTED.

The maximum amount of development permitted on a property subject to this Subchapter is limited to the greater of 0.4 to 1.0 floor-to-area ratio or 2,300 square feet of gross floor area, as defined in Section 3.3. This request is to allow an increased floor-to-area ratio of 0.46 to 1.0.

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

This property is zoned SF-3 which allows for a single family to occupy and inhabit a single lot. The existing structure was built in 2015, however it only contains two bedrooms (and one master) in the main structure. The request is to allow for an additional bedroom and bath which will add 500 square feet to the existing home. This addition will also be located over an existing portion of flat roof, therefore building coverage and impervious cover would remain the same.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The existing structure utilized the maximum FAR allowed under 25-2,F,2.1, however floor-area-ratio requirements of this section limit development far less than what is allowed by nearby MF-4-zoned properties. The existing lot size is 7,877 square feet which limits the allowable square footage on this site to a smaller footprint than properties in the area zoned SF. The home is entirely covered in flat roofs, and the proposal would not increase impervious cover. This request is to allow an increased floor-to-area ratio from 0.40:1 to 0.46:1.0.

b) The hardship is not general to the area in which the property is located because:

The zoning map provided in the additional space (see Section 6 of application) indicates the mix of zoning between SF-3 and MF-4. The property located at 608 Blanco Street which is zoned MF-4 was allowed by the Board of Adjustment an increased floor-area-ratio, despite having to comply with single-family requirements. This is documented in case number C15-2012-0147.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The approval of this variance will not impact the area character. The property will continue to be utilized and occupied by the property owners as a single-family home. Today, there is an existing second story on a portion of the home, this addition would occupy an additional portion of the second story and will still fit within the building envelope requirements of section 25-2,F,2.6. With the proposed addition, the building footprint is not expanding and the addition is going on top of an existing flat roof, therefore there is no additional impervious cover or building coverage. (See Additional Space for continuation.)

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

Not applicable.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

Not applicable.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Not applicable.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Not applicable.

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature:  Date: 07/09/2021

Applicant Name (typed or printed): Amanda Swor

Applicant Mailing Address: 200 Lee Barton Drive, Suite 100

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 807-2904

Email (optional – will be public information): 

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature:  Date: 05/28/2021

Owner Name (typed or printed): Maryelaine Sotos & Bill Schurtz

Owner Mailing Address: 1308 West 9 1/2 Street

City: Austin State: Texas Zip: 78703

Phone (will be public information): (512) 773-9303

Email (optional – will be public information): 

Section 5: Agent Information

Agent Name: Amanda Swor

Agent Mailing Address: 200 Lee Barton Drive

City: Austin State: Texas Zip: 78704

Phone (will be public information): (512) 807-2904

Email (optional – will be public information): 

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

The owners have taken the time to speak with their surrounding neighbors and have received several letters of support for this request and these letters are included as part of the submittal.

Additional Space (continued)

AREA CHARACTER CONTINUATION: The proposed improvements will be no higher than the existing roof elevation of the existing structure and is the same elevation as the neighbor to the west of the site. The property to the east will have a view of the new portion of the building, however, the additional room will be an addition to the existing second story and built atop an existing flat room, the roof elevation will be no higher, and the improvements will be no wider than the existing building footprint.



July 2, 2021

To Whom It May Concern:
City of Austin

Re: 1308 West 9 ½ Street – Board of Adjustment application for the 0.1806-acre piece of property located at 1308 West 9 ½ Street in Austin, Travis County, Texas (the “Property”)

As the record owner of the above referenced Property, I hereby authorize Amanda Swor at Drenner Group PC, or her designee, to act as agent to submit the Board of Adjustment Application to the City of Austin, Texas on behalf of the owner, Maryelaine Sotos Revocable Trust, and I attest to all submittal regulations.

Sincerely,

Maryelaine Sotos Revocable Trust

Signature: 

Name (print): Maryelaine Sotos

Title: Owner

LEGAL DESCRIPTION:

LOT 4, BLOCK 2, OUTLOT 4, DIVISION
Z, HANCOCK SUBDIVISION, A
SUBDIVISION IN TRAVIS COUNTY,
TEXAS, ACCORDING TO THE MAP OR
PLAT THEREOF RECORDED IN
VOLUME 2, PAGE 175 OF THE PLAT
RECORDS OF TRAVIS COUNTY, TEXAS.

Waterloo Surveyors Inc.
FORM SURVEY

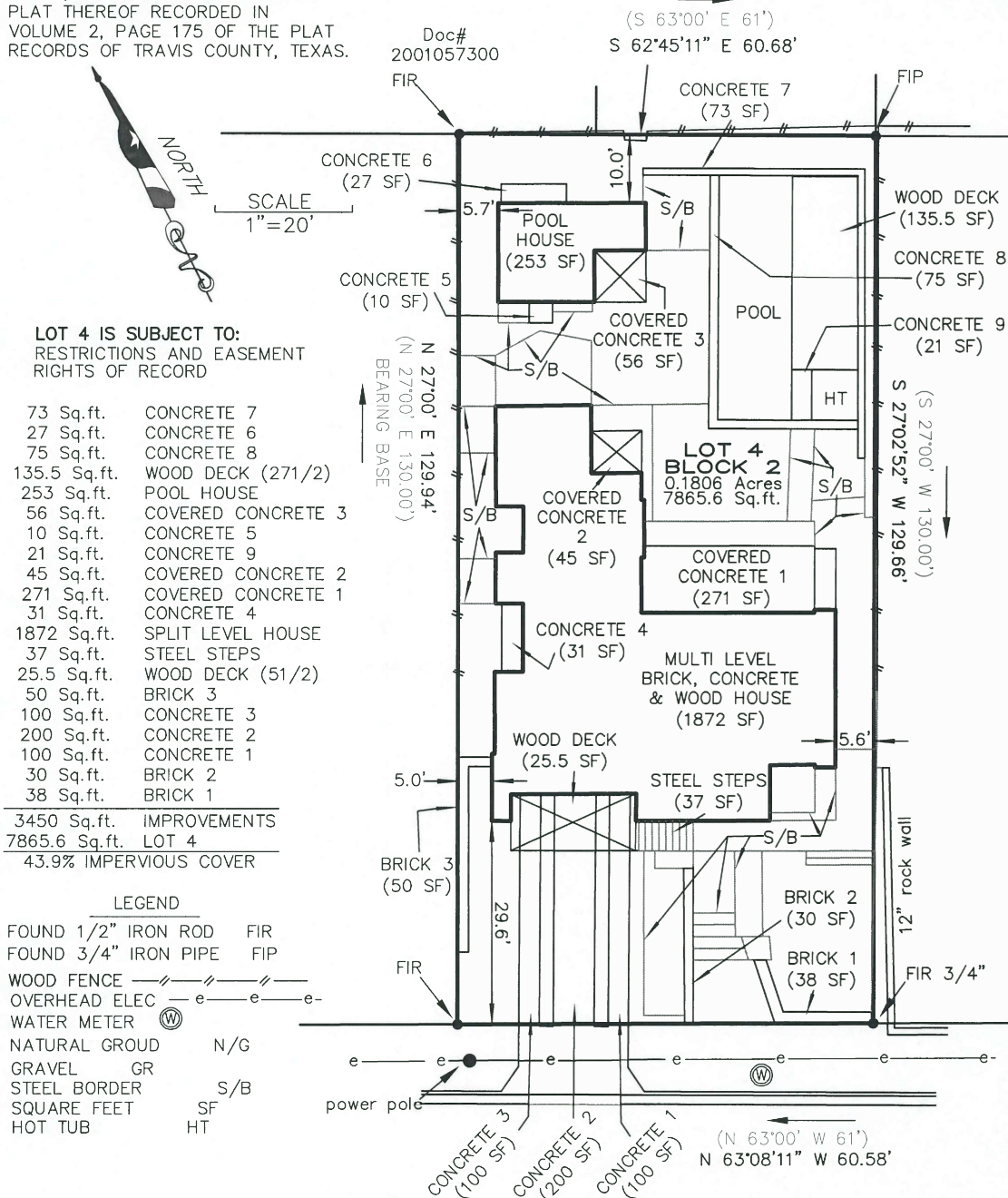
OWNER:

ROBERT and GAIL ALBERTSON

J13495B

ADDRESS:

1308 WEST 9-1/2 STREET



State of Texas:
County of Travis:

W. 9-1/2 Street

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Condition II Survey.

And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48453C0445H
Zone: X Dated: SEPTEMBER 26, 2008

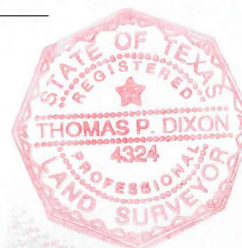
Dated this the 19th day of SEPTEMBER, 2017.

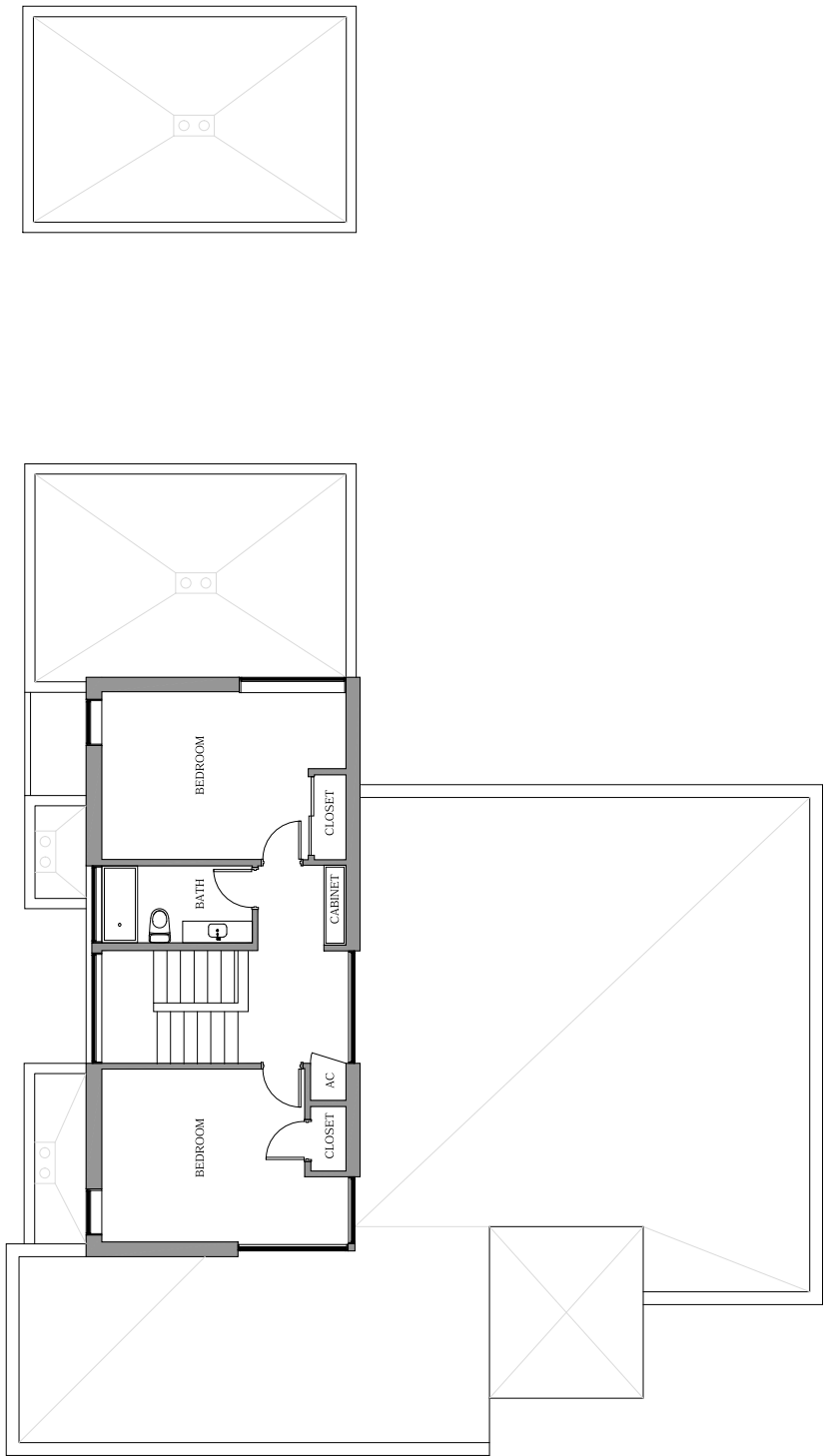
FIRM# 10124400

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Thomas P. Dixon R.P.L.S. 4324

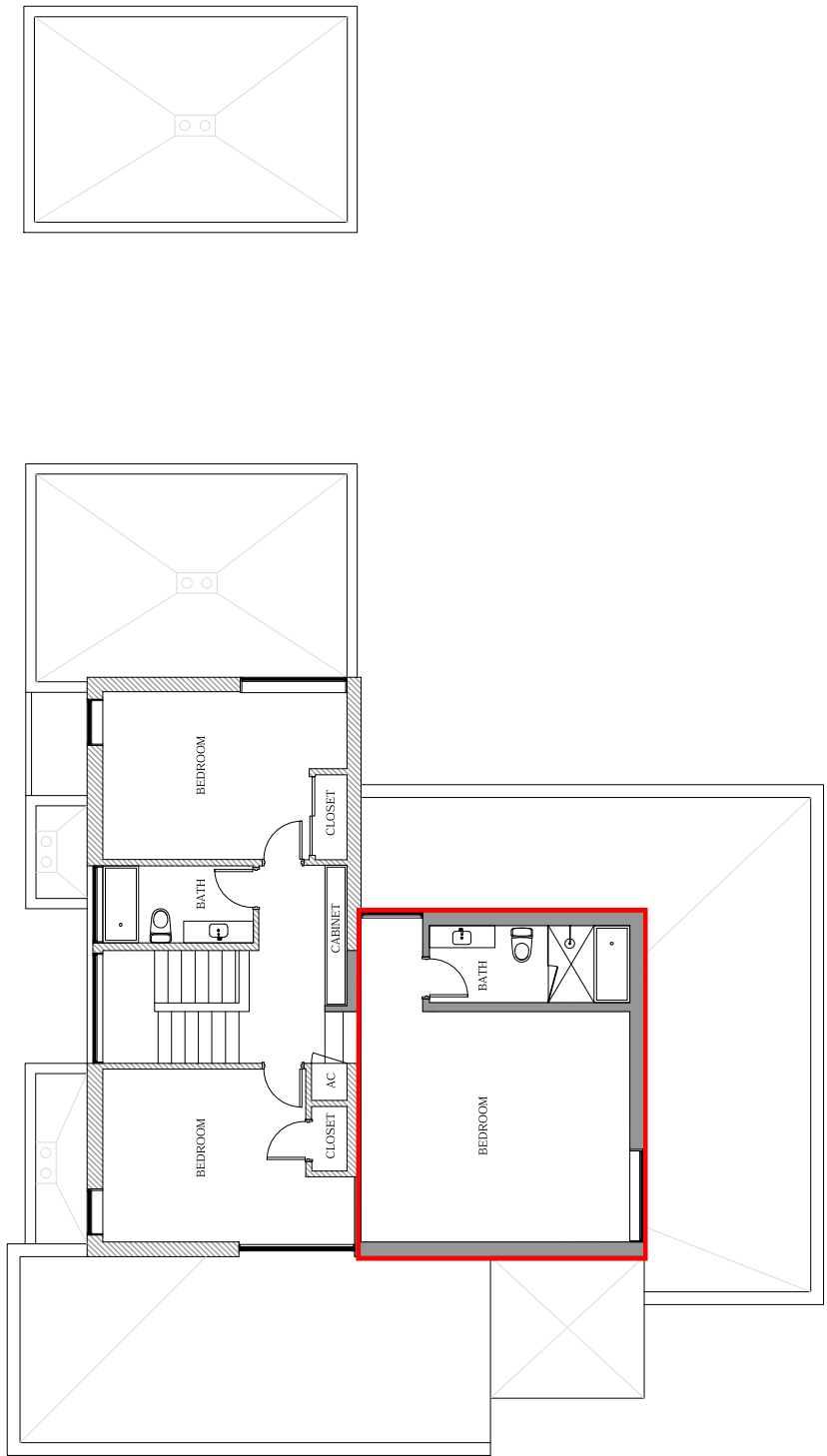
P.O. Box 160176, Austin, Texas, 78716 Phone: (512)-481-9602





EXISTING SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"
Clarksville Residence
June 15, 2021



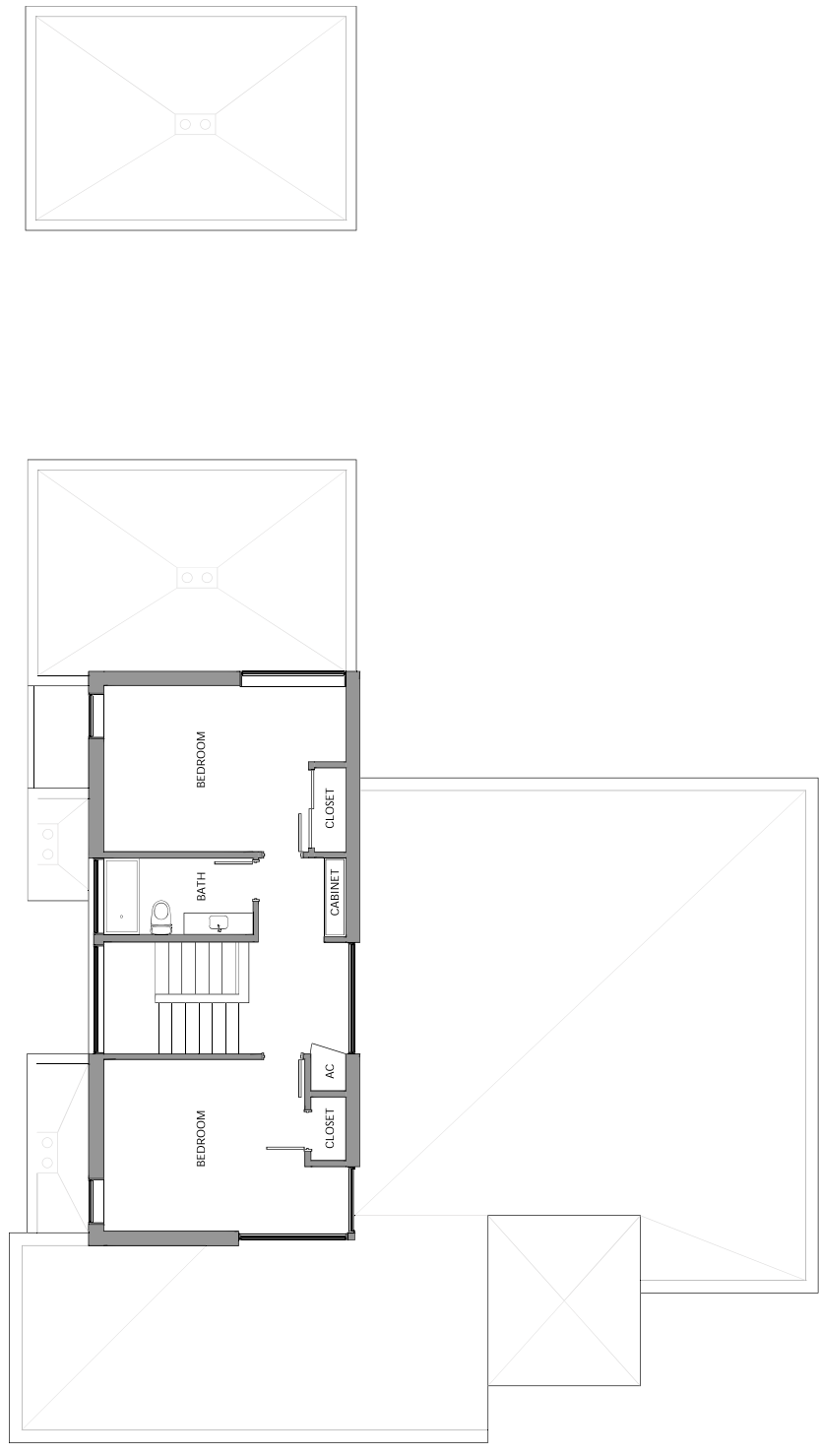
PROPOSED SECOND FLOOR PLAN - 420sf ADDITION

SCALE: 3/16" = 1'-0"
Clarksville Residence
June 15, 2021



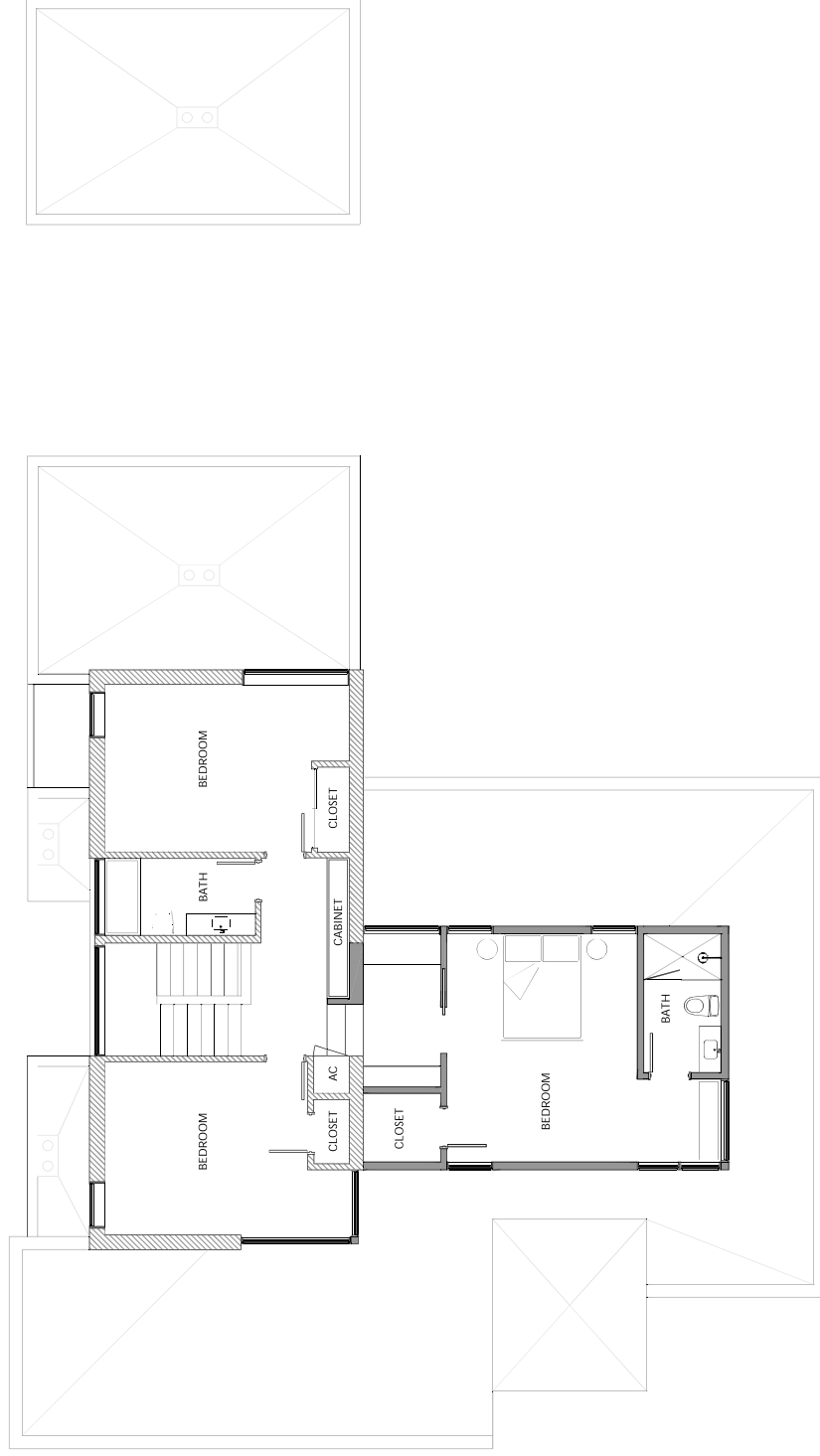
ADVANCED PACKET
C15-2021-0081

ARCHITECT'S DRAWINGS



Existing Second Floor Plan

Scale: 1/8" = 1'-0"
Clarksville Residence
July 17, 2021



Proposed Second Floor Plan - 420sf Addition

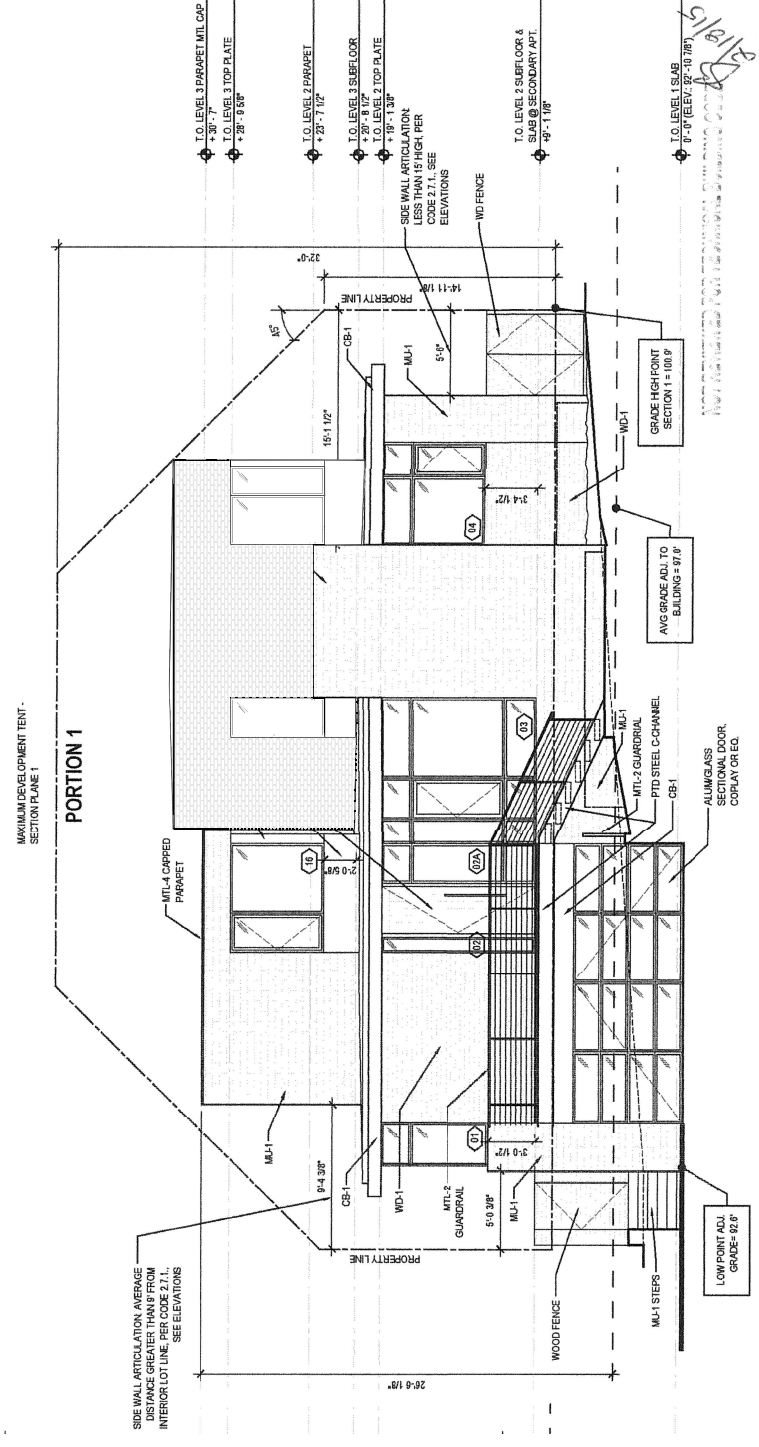
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 Clarksville Residence
 July 17, 2021

2021-000067-BA / C15-2021-0081

D-4/16

Planning Agency

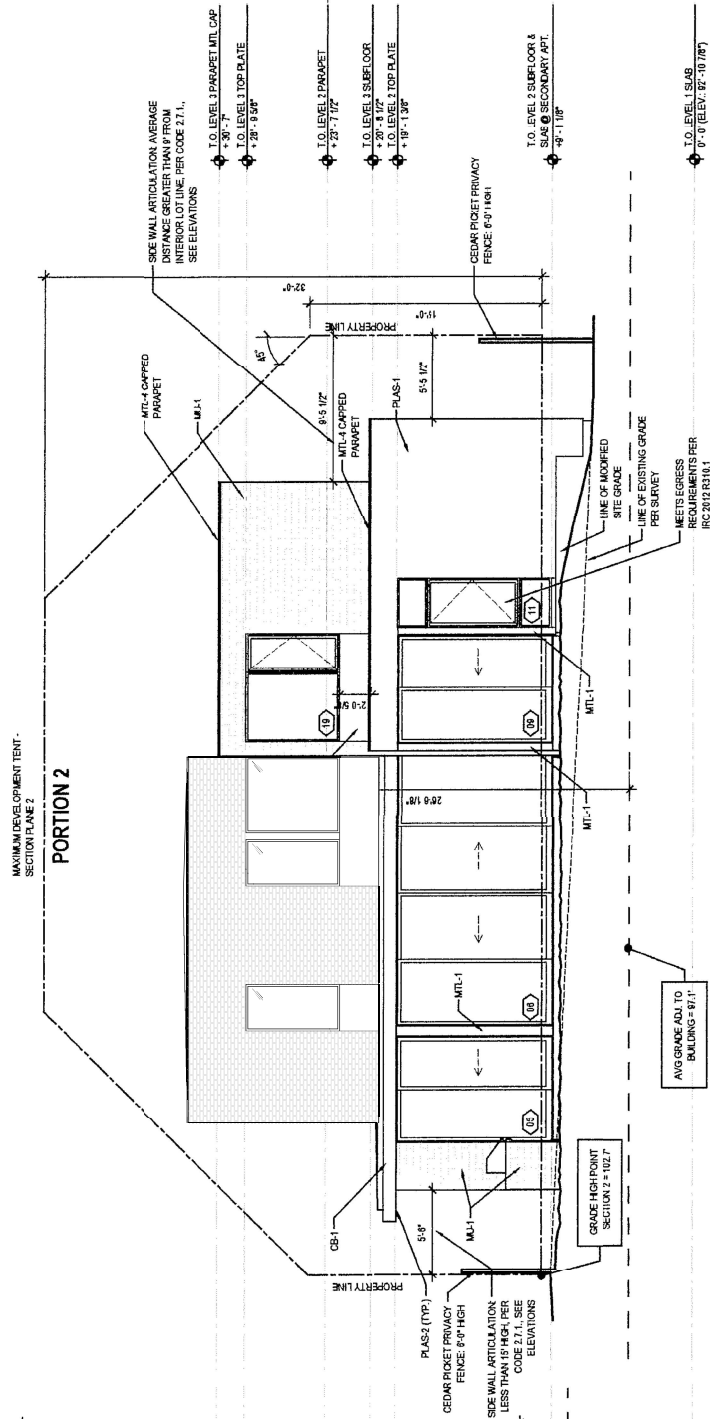




Proposed South Elevation - 9 1/2 Street Elevation

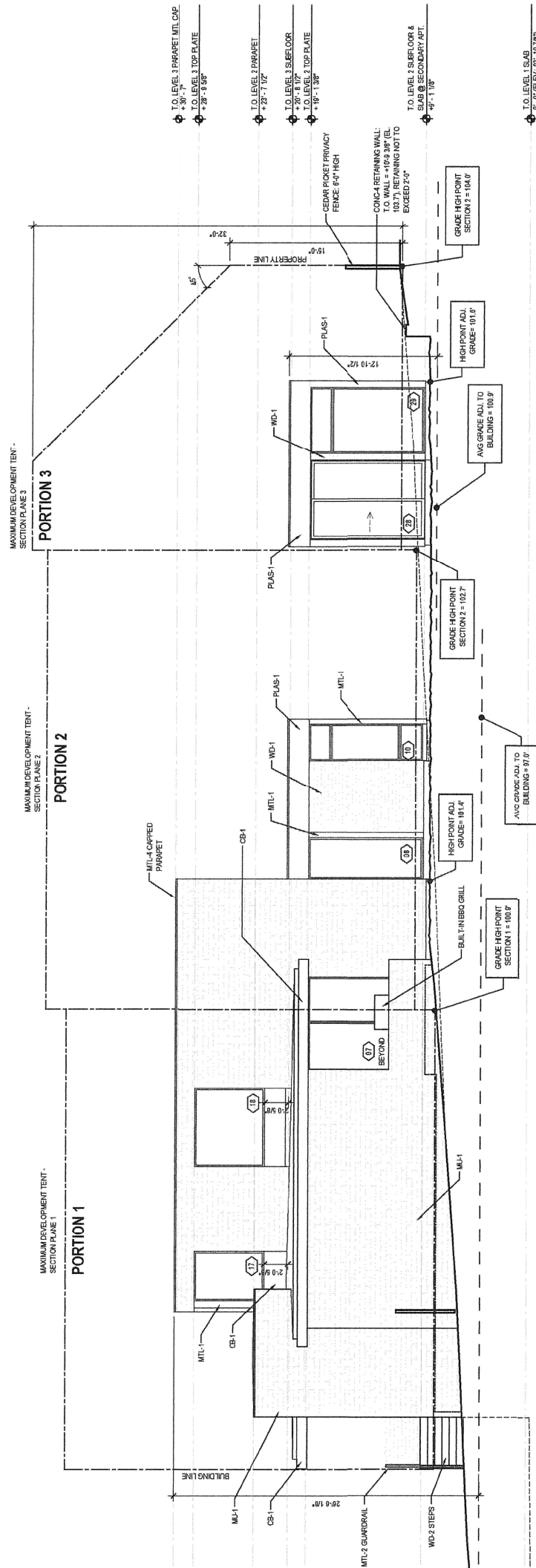
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Clarksville Residence
July 17, 2021

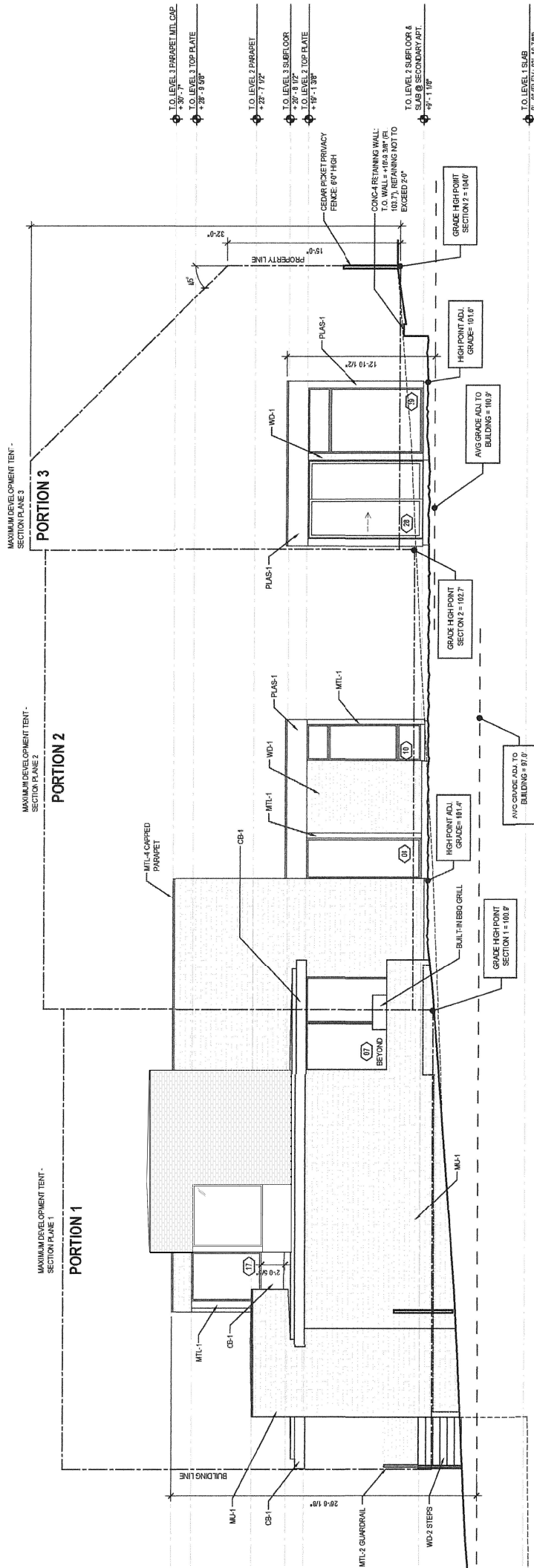




Existing North Elevation - Backyard Elevation

Scale: 1/8" = 1'-0"





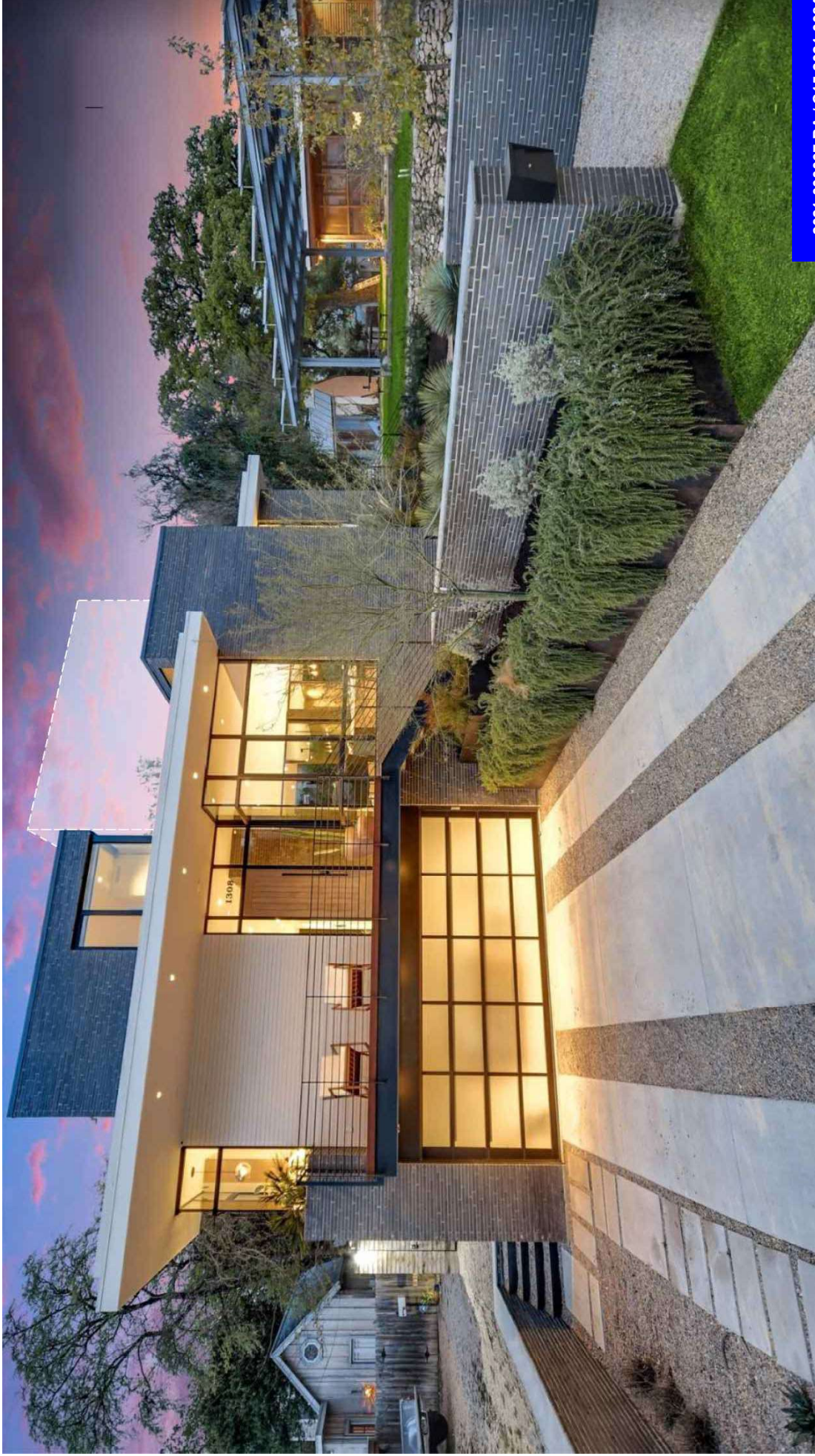
D-4/22

2021-000067-BA / C15-2021-0081

Planning Agent

Proposed East Elevation

Scale: 1/8" = 1'-0"
Clarksville Residence
July 17, 2021



**BOARD OF
ADJUSTMENT CASE
C15-2012-0147 (608
Blanco St)**

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, April 8, 2013

CASE NUMBER: C15-2012-0147

<input type="checkbox"/> Y	Jeff Jack	
<input type="checkbox"/> Y	Michael Von Ohlen	Motion to Grant
<input type="checkbox"/> Y	Nora Salinas	
<input type="checkbox"/> Y	Bryan King	
<input type="checkbox"/> Y	Fred McGhee	2 nd the Motion 2 nd the Motion
<input type="checkbox"/> Y	Melissa Hawthorne	
<input type="checkbox"/> Y	Sallie Burchett	
<input type="checkbox"/> -	Cathy French (SRB only)	

APPLICANT: Jim Bennett

OWNER: Jan Currier

ADDRESS: 608 BLANCO ST

VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum floor to area ratio of Subchapter F; Article 2; Subsection 2.1 from .4 to 1.0 to .48.2 to 1.0 in order to erect an addition to an existing multi-family residence (3 units) in an "MF-4-HD-NP", Multi-Family Residence – Historic District – Neighborhood Plan zoning district.

BOARD'S DECISION: POSTPONED TO JANUARY 14, 2013 BY APPLICANT

January 14, 2013 MEETING CANCELLED DUE TO NOTIFICATION ERROR

POSTING OF AGENDA; SCHEDULED FOR FEB 11, 2013

FEB 11, 2013 POSTPONED TO MARCH 11, 2013 PER APPLICANT

March 11, 2013 The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 8, 2013, Board Member Fred McGhee second on a 7-0 vote; POSTPONED TO APRIL 8, 2013.

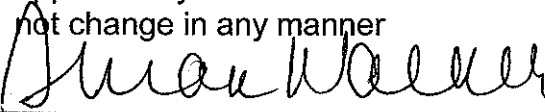
APRIL 8 The public hearing was closed on Board Member Michael Von Ohlen motion to Grant with condition to increase the floor to area ratio .42, Board Member Fred McGhee second on a 7-0 vote; **GRANTED WITH CONDITION TO INCREASE THE FLOOR TO AREA RATIO .42**

FINDING:

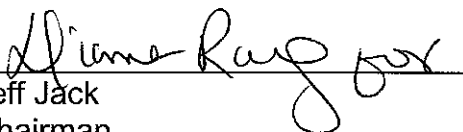
1. The Zoning regulations applicable to the property do not allow for a reasonable use because: this property is zoned Multi-family Historic District and is a three unit apartment and a conversion to a single family residence requires compliance with the single family requirements
2. (a) The hardship for which the variance is requested is unique to the property in that: this structure is an older home that has been converted to three units and to restore

and modernize the building to convert it back to a single family requires compliance with current requirements for single family use and proposed changes in conversion to 3 units to 1 unit will also include in compliance with the McMansion requirement and will allow the structure to be up graded to current acceptable living standards (b) The hardship is not general to the area in which the property is located because: not many of the structures in the area are reducing density and impervious cover in order to restore older building to original uses and maintain the appeal of the original construction while converting 3 units to one.

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the restoration and change in the number of units and the reduction of impervious cover will be an enhancement and will not change the character of this diverse neighborhood, a certificate of appropriateness, approving these changes has been approved by the Historic Landmark Commission and front portion of this building will not change in any manner



Susan Walker
Executive Liaison



Jeff Jack
Chairman